

REMARKS/ARGUMENTS

Claims 1-6 and 9-11 are now in the application. Claims 1, 2 and 11 are amended. Claims 1 and 11 are independent claims.

Claim Rejection under 35 U.S.C. 103(a)

The Office Action rejects claims 1-6 and 9-11 as obvious over Chacker (U.S. Patent 6,578,008) in view of Rasmussen et al. (U.S. Patent 6,343,990).

Chacker discloses an online music business which includes provision for web site visitors to provide feedback concerning artists exhibiting work on the website, particularly the work of the unsigned artists' pool. Part of the feed back is via an interactive investment simulation game in which virtual stock is traded, the stock representing the artists. The winners of the investment simulation game receive prizes. The results of the simulation game may then be used as the basis for selecting musicians to sign up on recording contracts.

As noted by the Office Action, Chacker does not teach charging fees to the supporters or charging a predetermined fee per vote.

Rasumussen et al disclose an online system in which visitors pay to access a web site and, in return for the payment, get the right to post one joke, cast one vote, place one complaint and e-mail one joke to a friend.

In particular, the Office Action cites Chacker, column 8, lines 64-66 and column 9, lines 14-18 as teaching applicant's claim 1 element "a support fund distributing computer that distributes support funds to the artists who produced said artistic work corresponding to said number of votes based on a predetermined rate".

Chacker, column 8, lines 64-66 and column 9, lines 14-18 recite:

The interactive investment simulation game is the key tool in evaluating the actual demand of the unsigned artists. Through the interactive investment simulation game, users virtually buy and sell stock in more than 50 unsigned artists with imaginary money. Prices of the imaginary stock are driven by the actual supply an demand dictated by the traders. The top traders for each month

receive various prizes such as T-shirts, cds, cash and even a new car...

The artists that excel in the game (i.e., the highest stock price) are traditionally scouted by the A&R representatives. If decided appropriate, these artists are then offered a recording contract.

The only rewards to the artists in Chacker are the possibility of some of them being offered a recording contract. There is no direct tie between the supporter's vote and the artist receiving a predetermined, monetary reward. Neither Chacker nor Rasumussen et al. teach or make obvious applicant's claim 1, which has been amended for clarity and now recites:

a support fund distributing computer that distributes support funds to said artist or an artist who produced said artistic work, said support funds being monetary rewards directly proportional to said number of votes cast for said artist or artistic work based on a predetermined rate.

Chacker and Rasumussen et al. do not, therefore, anticipate or make applicants invention of amended claim 1 and 11 obvious. Applicants request that this rejection be withdrawn and claims 1 and 11 allowed to issue.

As claims 2-6 and 9-10 depend from, and include all the limitations of now allowable claim 1, applicants request that they too be allowed to issue.

In rejecting claim 2, that address voting supporters participating in future revenues generated by the artists, the office action cites Chacker column 13, lines 37 – 41, which recites:

The buying and selling tool link to confirmation screen that finalizes the trade. When the user clicks on the portfolio link, he/she can view his/her current artist stocks, balance and other relevant information. Below the portfolio is a description of each prize the user can win if he/she attains a certain amount of money.

Chacker is describing tools used in an online game, using imaginary money. There is nothing in Chacker that addresses the element of applicants' claim 2 element which has been amended for clarity to now recite:

a dividend distributing computer that distributes dividends to each supporter according to the number of votes cast by said supporter or the number of votes owned by said supporter, said dividend entitling said supporter to a predetermined participation in future revenue generated by said artist.

Chacker does not, therefore, anticipate or make applicants' invention of amended claim 2 obvious. Applicants request that this rejection be withdrawn and claim 2 allowed to issue.

As claims 3-6 and 9-10 depend from, and include all the limitations of now allowable claim 1, applicants request that they too be allowed to issue.

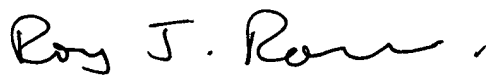
Summary

Therefore in view of the foregoing amendments and remarks, applicant respectfully requests entry of the amendments, favorable reconsideration of the application, withdrawal of all rejections and objections and that claims 1- 6 and 9-11 be allowed at an early date and the patent allowed to issue.

Respectfully submitted,

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